

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

OP.No. 11343 of 1999(A)

PETITIONER:

**K.K.SASIDHARAN, AGED 45 YEARS,
S/O.KUMARAN, SHYAM NIVAS,
KUDAVECHOOOR KARA P.O., VAIKOM,
KOTTAYAM DISTRICT.**

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

- 1. STATE OF KERALA, REP.BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, ERNAKULAM.**

BY GOVERNMENT PLEADER SRI.R.LAKSHMINARAYANAN

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 19/10/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

tss

OP. NO.11343/1999

ORDER ON CMP. NO.18381/1999 IN OP. NO.11343/1999

DISMISSED

19.10.2007

SD/- K.BALAKRISHNAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE TODDY TRANSPORT PERMIT NO.P502364/99 DT. 5.4.99 ISSUED BY THE ASST. EXCISE COMMISSIONER, PALAKKAD.

EXT.P2:- COPY OF THE CRIME AND OCCURANCE REPORT IN OR. NO.6/99 DT. 12.4.99 OF THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE ORDER DT. 27.4.99 IN CRL.MP. 1226/99 PASSED BY THE SESSIONS COURT, ERNAKULAM.

EXT.P4:- COPY OF THE ORDER DT. 16.11.98 IN CMP. NO.31976/98 IN OP. 18109/98 OF THIS HONOURABLE COURT.

/TRUE COPY/

P.S. TO JUDGE

tss

K.BALAKRISHNAN NAIR, J.

O.P. NO. 11343 OF 1999-A

JUDGMENT

The learned counsel for the petitioner submitted that the point raised by the petitioner in the O.P is covered in his favour by the decision of this Court in **Sasidharan v. State of Kerala** [2007(1) KLT 1062]. If that be so, the petitioner may bring it to the notice of the authorities concerned. If no final report is filed in his case, he may bring the above decision to the notice of the investigating officer. If final report under Section 173 of the Cr.P.C is already filed, he may bring the said decision to the notice of the trial court and claim the benefit of the same. With this direction the Original Petition is disposed of.

19th October, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR,J.

O.P. NO.11343/1999-A

JUDGMENT

19.10.2007.